

FREQUENTLY ASKED QUESTIONS

THE HEALTHY SCHOOLS ACT

In January 2001, the enactment of the Healthy Schools Act of 2000 (Assembly Bill 2260) put into place right-to-know requirements such as notification, posting, and recordkeeping for pesticides used at schools. The law also put into code DPR's existing school IPM program and new, more detailed pesticide use reporting. (For a copy of Assembly Bill 2260, go to www.assembly.ca.gov. Click on "Legislation" and select the 1999–2000 session. Type the bill number "2260," and click "Search." Click on the chaptered version.)

I. DEFINITIONS

🍏 1-1. *Integrated pest management (IPM) has various definitions. How does the Healthy Schools Act define it?*

The Healthy Schools Act of 2000 (Assembly Bill 2260) defines IPM as a "pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools." [Food and Agricultural Code § 13181]

🍏 1-2. *What is a pesticide?*

The term *pesticide* means any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliants, desiccants, antimicrobials, and algicides. For more information about antimicrobials (such as sanitizers and disinfectants) see 3-8 and 3-14 below. Antimicrobials, including swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting, but you should use only products with a U.S. EPA registration number that are also registered for use in California. (To see if a product is registered in California, go to DPR's Web site, www.cdpr.ca.gov, and click on "Look up pesticide products" at the bottom right.)

Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they also include a pesticide active ingredient (e.g., weed-and-feed products). If the label of a pesticide lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-13). If it lacks a U.S. EPA registration number and is not exempt from registration, then don't use it. Go to DPR's School IPM Web site (www.schoolipm.info and click on "Pesticides Exempted Under the Healthy Schools Act" at the bottom right) for more information on exempt products. [Food and Agricultural Code § 12753]

🍏 1-3. *What's a school district designee?*

The designee is the person the school district must assign to carry out the requirements of the Healthy Schools Act. School districts often designate maintenance and operations directors, risk managers, or business officers. This person may also be called the IPM coordinator (see 1-5).

🍏 1-4. *What are the responsibilities of the school district designee?*

The designee makes sure that:

- Parents and staff receive annual written notification about pesticide products expected to be used at each school that year.
- Parents and staff receive written notification at least 72 hours in advance if the school decides to use a pesticide not listed in the annual notification.
- Parents and staff have the opportunity to register if they want notification before each pesticide application at the school.



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I. DEFINITIONS / I-4. (continued)

- Schools post signs from 24 hours before to 72 hours after a pesticide application.
- Schools keep records of pesticide applications.

See 2-1 through 2-9, 3-1, 3-7, and 3-8 for more information.
[Education Code §§ 17609(d), 17612]

1-5. What's an IPM coordinator?

In many districts, an IPM coordinator is equivalent to the school district designee (see 1-3 and 1-4). The Healthy Schools Act requires the Department of Pesticide Regulation (DPR) to establish a train-the-trainer program for IPM coordinators (see 6-1). School districts may choose to make the IPM coordinator the school district designee to carry out the district's IPM program. [Education Code § 13183(a)(2)(B)]

2. NOTIFICATION AND POSTING

2-1. How do schools carry out the annual notification requirement?

Each school must give a written notice to parents and staff identifying pesticides expected to be used in the coming year. The list of pesticides must also include the DPR Internet address for information on pesticides and reduced-risk alternatives (www.schoolipm.info, click on "School IPM HELPR" in the column on the right). The Legislature intended that the notification would be included with other one-time notices that school districts send parents, usually at the beginning of the school year. Putting this information in a packet with other notices will reduce costs. See DPR's school IPM Web site (go to www.schoolipm.info and click on "Tools & Templates" in the column on the left), for examples. [Education Code § 17612]

School districts may want to coordinate with pest control businesses to develop a system that works for them.

2-2. How does the pesticide registry work?

The registry takes notification one step further. The law requires schools allow parents and staff to register with the district if they want to receive notification of individual pesticide applications at a school. The school must notify those on the list at least 72 hours before an application. This notice must include the product name, pesticide active ingredient, and the scheduled date of application. [Education Code § 17612(a)(1)]

2-3. How long before and after a pesticide application occurs must warning signs be posted?

Signs must be posted 24 hours before a pesticide application and 72 hours afterward. [Education Code § 17612(d)]

2-4. What should the warning signs say?

Signs must prominently display the words, "Warning – pesticide-treated area," and must include the product name, manufacturer's name, the U.S. EPA's product registration number, scheduled date and areas of application, and reason for the application (that is, the target pest). The law does not specify text, color, or size of lettering, but the sign must be visible to anyone entering a treated area.

The word *Warning* on the sign does not refer to the pesticide toxicity signal words (*danger, warning, caution*), but is universal language for "Watch out!" You can download sample warning signs in English and Spanish from DPR's school IPM site. Go to www.schoolipm.info, click on "Tools & Templates" in the column on the left, then click on "Pesticide Sample Application Warning Sign." (See also 3-6)

Some districts place reusable laminated signs in outdoor areas, and a few districts are experimenting with silk-screened metal signs. In both cases, the school district designee writes information on the signs and the information can be erased 72 hours after a pesticide application. [Education Code § 17612(d)]

2-5. What about vandalism of signs? What happens when a sign is removed before the posting period is over?

The law doesn't address this.

2-6. Do schools have to notify and post when they make applications during breaks?

The law does not specifically address this. However, even when schools are closed, students or other people may enter school grounds for one reason or another. Teachers often stop in during vacations to plan lessons or organize their classrooms. Many districts try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and always post a sprayed area.

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2. NOTIFICATION AND POSTING *(continued)*

🍏 2-7. If a school is contiguous with an agricultural parcel – for example, an orange grove – and the school district owns the land on which the crop is planted, does the district have to notify and post when the crop is sprayed? The parcel is completely fenced with locked gates – off-limits to students.

The agricultural parcel, although owned by the school district, is not a schoolsite under the law [Education Code § 17608(e)].

The term *schoolsite* includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used on the parcel.

However, the school, as property owner of a production agriculture site, may have other posting or notification requirements for a pesticide application based upon the pesticide label and/or permit conditions established by the county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the county agricultural commissioner (go to www.cdpr.ca.gov, click on “Ag commissioners” in the “Quick Finder”). The commissioner follows up on any reported illness that may be pesticide-related or any complaint about pesticide applications.

🍏 2-8. How do schools operated by the California Youth Authority comply with the Healthy Schools Act?

The school administrator is required to notify the facility's chief medical officer (CMO) at least 72 hours before an application. The CMO must then take any steps necessary to protect the health of the pupils. The State Department of Health Services (DHS) recommends the following: (1) the CMO of each facility should provide a list of all pesticides expected to be used in the facility during the year with a copy of the product label (or product U.S. EPA registration number), and the material safety data sheet (MSDS) for each item on the list; (2) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (3) pest control businesses should provide the CMO specific pesticide use information for school applications; (4) staff assigned to pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. Suspected illnesses also must be reported to the county health officer. [Education Code § 17612(e) and information provided by DHS]

🍏 2-9. Are schools reimbursed for paperwork and mailing?

No. The Commission on State Mandates has concluded that the legislation does not impose any reimbursable state-mandated duties since existing state law does not require school districts to apply pesticides. To view the Commission decision, go to www.csm.ca.gov, click on “Denied Mandates” near the bottom of the left column, then click on “January 1, 2004 – December 31, 2004.”

3. PESTICIDE USE, RECORDKEEPING AND REPORTING

🍏 3-1. Who is required to keep records?

Under the Healthy Schools Act, each school must keep records of almost all applications for four years (see 3-6). Some pesticide applications are exempt from the recordkeeping requirement (see 3-8). The law also requires licensed pest control businesses hired by a school to keep records of pesticide use and report a summary of that use to the county agricultural commissioner (see 3-2). This requirement is intended for commercial applicators and is in addition to the pesticide use report applicators *already* submit to the county agricultural commissioner. Commercial applicators include pest control businesses that are licensed by either DPR or the Structural Pest Control Board. [California Code of Regulations §§ 6624, 6627; Business and Professions Code § 8505.17(c)]

🍏 3-2. Who has to report pesticide use at schools?

Applications made by school personnel need not be reported to the county agricultural commissioner, except when a restricted-use pesticide is used (as defined in California Code of Regulations § 6400). Only a person holding either a qualified applicator certificate or a qualified applicator license can make these applications. That person must report this use to the county agricultural commissioner each month (see 3-5). See 3-1 and 3-6 for additional information about recordkeeping for restricted-use pesticides.

Pest control businesses contracted by schools have two reports to submit for pesticide use at schools: (1) the Monthly Summary Pesticide Use Report to the county agricultural commissioner that includes pesticides used at schools, and (2) the School Site Pesticide Use Reporting form (PR-ENF-117). (To access this form, go to www.schoolipm.info and click on “Pest Control Businesses” in the column on the left, then click on “Reporting pesticide use and maintaining records.”)

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3. PESTICIDE USE, RECORDKEEPING AND REPORTING / 3-2. (continued)

The law states that the School Site Pesticide Use Reporting form must be submitted at least annually. For those applying pesticides at the end of December, the form must be submitted as soon as possible, such as January of the following year. [California Code of Regulations § 6624(a)(3); Food and Agricultural Code § 13186(a)(b)(c)]

3-3. When a licensed pest control business applies a pesticide on school grounds, who must report the application?

The licensed pest control business is responsible for completing DPR's School Site Pesticide Use Reporting form and submitting it to DPR. The school district, although not responsible for use reporting, must keep records of almost all pesticide applications at each school for four years, including those made by licensed pest control businesses (see 3-8 for exemptions). The district may include the Healthy Schools Act reporting requirements when they contract for services of licensed pest control businesses. [Food and Agricultural Code § 13186]

3-4. Are licensed pest control businesses required to report school pesticide applications as part of their existing monthly reports to the county agricultural commissioner?

Yes. Pest control businesses must continue to report school applications on their Monthly Summary Pesticide Use Report to the county agricultural commissioner. Pest control businesses must also submit the School Site Pesticide Use Reporting form at least annually to DPR. (See 3-2 and 3-5.) [Food and Agricultural Code § 13186(b)(c); California Code of Regulations §§ 6624, 6627]

3-5. What pesticide use do schools report to the county agricultural commissioner? Does the Healthy Schools Act change that?

When school districts use restricted-use pesticides on school property, they must report the applications to the county agricultural commissioner in the Monthly Summary Pesticide Use Report. The Healthy Schools Act does not change this requirement. [California Code of Regulations §§ 6626, 6627, 6628]

3-6. Do schools have to keep records of every pesticide used and each application?

Under the Healthy Schools Act, each school must keep records of every pesticide application for a period of four years (see 3-7) except for pesticides exempted from the requirement (see 3-8). School records must include the pesticide product name, manufacturer's name, U.S. EPA registration number, actual date and areas of

application, reason for application, and amount of pesticide used. Records must be available to the public upon request. As a simple way to keep records, schools may want to keep a copy of the posted warning sign, making sure to add the pesticide quantity applied. DPR recommends that schools keep records of all pest management practices, including those that are exempt from notification and posting. [Education Code §§ 17611, 17612(d)]

Additionally, existing regulations require each school to keep records for two years after each application of a restricted-use pesticide (separate from the four-year requirement under the Healthy Schools Act). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(e)]

3-7. How do schools make records available to the public?

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them from the school as paper copies (kept in file folders, for instance) or as electronic files, depending on what the district has available. [Education Code § 17611]

3-8. Which pesticide active ingredients are exempt from the provisions of this law?

Certain requirements of the law (recordkeeping, written notification, and posting) do not apply to products used as self-contained baits or traps; gels or pastes used as crack-and-crevice treatments; pesticides exempted from regulation by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the provisions of this law. (For further information about pesticides exempt from registration in California, go to www.schoolipm.info, click on "Pesticides Exempted Under the Healthy Schools Act" in the right-hand menu. Questions 3-9, 3-10, and 3-11 also pertain to this topic.) [Education Code § 17610.5]

3-9. What are self-contained baits or traps?

The interpretation and practice of school officials and pest management professionals has been to consider tamper- and child-resistant bait stations (whether they be for rodents, general pests, or termites) to be self-contained bait stations. The law does not define *self-contained*.

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3. PESTICIDE USE, RECORDKEEPING AND REPORTING / 3-9. (continued)

U.S. EPA lists eight criteria for tamper-resistant bait boxes – but they apply only to rodent bait boxes:

- resistant to weather;
- strong enough to prohibit entry by large non-target species;
- equipped with a locking lid and/or secured rebaiting hatches;
- equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species;
- capable of being anchored securely to resist efforts to move the container or to displace its contents;
- equipped with an internal structure for containing baits;
- made in such a way as not to be an attractive nuisance; and
- capable of displaying proper precautionary statements in a prominent location.

Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, www.epa.gov/REDS/2100red.pdf]

🍏 3-10. *Is granular gopher bait – the kind put into gopher runways underground – exempt from requirements of the Healthy Schools Act?*

No. Only bait in a self-contained bait station is exempt.

🍏 3-11. *What's a crack-and-crevice treatment?*

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

🍏 3-12. *Which pesticides are exempted from registration by the U.S. EPA?*

The U.S. EPA (under Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] Section 25(b)), exempts pesticides from registration if they contain certain active ingredients. These are primarily food-grade materials such as mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in shampoos and detergent). DPR allows similar exemptions, although some DPR-exempt products require additional wording on labels. See www.schoolipm.info and click on “Pesticides Exempted Under the Healthy Schools Act.” [California Code of Regulations § 6147]

🍏 3-13. *How can I tell if a particular product is exempted from registration by the U.S. EPA?*

Look at the product label for a U.S. EPA or a California registration number. If the label does not have a registration number, then the product may be exempt. (Note: very few products are exempt from registration). In the absence of a registration number, a proper label will list *all* active and inert ingredients. To ensure you have an exempt product, check to see if all active and inert ingredients are listed on the FIFRA section 25(b) list and the U.S. EPA 4a list, respectively. (See www.schoolipm.info and click on “Pesticides Exempted Under the Healthy Schools Act” for the lists of exempt active and inert ingredients. For questions about a specific product, see www.cdpr.ca.gov and click on “Registration,” then “Functional Directory,” then “25b Exempt Products.”) [California Code of Regulations § 6147]

🍏 3-14. *What are antimicrobials?*

Antimicrobials (such as disinfectants and sanitizers) are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, they are not exempt from licensed pest control business requirements to report pesticide use. [Food and Agricultural Code § 12995; Education Code § 17609(a); www.epa.gov/oppad001/ad_info.htm]

🍏 3-15. *How do I get information about pesticide products? Active ingredients? Human health impacts? Environmental fate?*

See www.schoolipm.info and select “School IPM HELPR,” then click on the pest-specific information you need.

4. ENFORCEMENT AND COMPLIANCE

4-1. Who enforces requirements for posting, annual written notification requirements, and school district pesticide use record keeping?

The Healthy Schools Act contains no specific enforcement authority for these requirements. Since these requirements are under the Education Code, the school district superintendent and the district's elected school board members are responsible for enforcement. The California Department of Education's School Facility Planning Division is available as a resource to school districts (www.cde.ca.gov/ls/fa/sf). For interpretation of Healthy Schools Act requirements as it applies to your district, consult your district's legal counsel.

4-2. Are private schools exempt from the Healthy Schools Act? What about community colleges?

The law applies to public facilities used for day care, kindergarten, elementary, or secondary school. Schools include buildings or structures, playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils.

The law exempts private schools, private day-care facilities, and colleges even when attended by secondary school students. However, DPR will provide any interested public or private institution with information on starting an IPM program. [Education Code § 17609(e)]

4-3. Are schools on federal property (such as military bases) exempt from the Healthy Schools Act?

The law does not apply to schools under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if schools at bases were under state jurisdiction. However, state-funded schools that operate on military bases are not exempt.

In addition, schools located on Indian reservations and rancherias are exempt from requirements of the Healthy Schools Act.

4-4. Which pesticides can be used legally on school grounds? Does the label have to specify school grounds?

First read the label to identify the terms used. A product label does not have to specify school grounds for an allowable use within school buildings or on school grounds. Pesticide labels registered by U.S. EPA or DPR may use such terms as *for institutional use*; *for use in kitchens, dining areas*; or *in and around buildings, such as schools, hospitals, etc.* When indicating outdoor use, terms include *for use on turf and ornamentals*, and *for use on playing fields*. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as *(for control of mice) place bait along runways*, or *place bait in main (gopher) tunnel*. In a few instances the manufacturer may indicate that the product should not be used in schools. Contact your county agricultural commissioner's office for additional help in determining if a product is appropriate to use in school buildings or on school grounds.

4-5. What situations on school grounds require a certified applicator or licensed pest control business?

Only certified applicators (qualified applicator certificate – QAC) or licensed applicators (qualified applicator license – QAL) may apply federally restricted-use pesticides such as aluminum phosphide (Phostoxin). Only a person holding a QAC or QAL plus a permit issued by the county agricultural commissioner may apply state-listed restricted-use pesticides.

Some school districts require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire. Check DPR's Web site to determine if a pest control business is licensed (go to www.cdpr.ca.gov, click on "Licensing" in the "Quick Finder," then click on "List of Persons and Businesses with Valid DPR Licenses.")

4-6. What happens when a public park adjoins a school and functions as the school's playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a schoolsite. Some school districts and local agencies have signed a formal memorandum of understanding or joint-use agreement so that the park property becomes school property. Then the requirements of the Healthy Schools Act would apply, including notification and posting.

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4. ENFORCEMENT AND COMPLIANCE *(continued)*

4-7. What if my district has planned its pesticide applications well in advance, on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?

Yes, the district has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year. However, the law also specifies that the school district designee must notify parents and staff, who register in advance with the school, of individual applications at least 72 hours before the application. The law does not specify how early you can notify those who have registered. Keep in mind that the Healthy Schools Act is a right-to-know law, and notifying people too far in advance will defeat the law's purpose because they may fail to remember. Individual school districts should decide the most appropriate approach that also complies with the intent of the law.

5. DEVELOPING AN IPM PROGRAM

5-1. Where do I get information about IPM programs, policies, and practices?

See DPR's school IPM Web Site, www.schoolipm.info, for a link to school IPM information. The Web site offers information on pesticide products, a directory of resources describing least-hazardous pest management practices, a model IPM program guidebook, and ways to reduce pesticide use. The Web site also has information on the public health and environmental impacts of pesticides, and much more. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

5-2. How is DPR getting information to school staff?

DPR routinely provides information to IPM coordinators designated by their school districts. DPR also works with the California Department of Education and groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, and others.

6. TRAINING

6-1. What do the IPM workshops offered by DPR cover?

Under the Healthy Schools Act, DPR must offer IPM training to help school districts establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and emphasize training on a regional basis before focusing on individual school districts. Our regional workshops highlight IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. Each year, DPR offers workshops around the state. For specific dates and locations, see DPR's school IPM Web site (www.schoolipm.info). [Food and Agricultural Code § 13185]

7. RESOURCES

7-1. What are some resources to learn more about IPM and the Healthy Schools Act?

- DPR's School IPM Web site: www.schoolipm.info
- DPR's home page: www.cdpr.ca.gov
- County Agricultural Commissioners: go to www.cdpr.ca.gov, click on "Ag Commissioners" in "Quick Finder"
- California Department of Education: www.cde.ca.gov/ls/fa/sf
- University of California Statewide IPM Program: www.ipm.ucdavis.edu/
- University of California IPM Advisors: go to www.ipm.ucdavis.edu, look for "Our Programs" in left column, then click on "Cooperative Extension advisors"
- U.S. EPA's IPM in Schools Web site: www.epa.gov/pesticides/ipm





CALIFORNIA DEPARTMENT OF EDUCATION



CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION

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SCHOOL IPM PROGRAM

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